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SUBJECT: MGLE01: A STRATEGY TO SUPPORT ELECTORAL REFORM

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Classified By: Ambassador Jeffrey D. Feltman for reasons 1.4 (b) and (d).

#### SUMMARY

1. (C) Reform of the electoral law is the bellwether of the Lebanese government's overall reform plan, and U.S. support for it is entirely keeping with the President's Freedom Agenda. While there is widespread popular support for replacing the electoral law currently in effect -- associated as it is with past Syrian interference -- the reform process faces many obstacles. We need a diplomatic strategy that creates an enabling environment for electoral reform, working with the UN, other foreign missions, and local political players and opinion-makers. On the programmatic side, continued, uninterrupted USG support will be critical for civil society partners as they build constituencies for reform and generate "bottom-up" pressure on lawmakers who otherwise have little incentive to challenge the status quo. We recommend additional DRL Bureau funding for IFES and NDI in order to provide seamless support to our electoral assistance strategy at this decisive juncture in the electoral reform process. We also recommend extending MEPI grants for public awareness campaigns and opinion polling. End summary.

#### WHY ELECTORAL REFORM IS IMPORTANT

2. (SBU) The USG has stated its clear interest in the sovereignty, territorial integrity, and political independence of Lebanon. In the aftermath of Syria's military withdrawal -- and in the face of a resurgence of Syrian influence by non-military means, backed by Iran -- there is now an urgent need for reform on a number of fronts: economic, political, and administrative. Reform can build the capacity of the Lebanese, in both the public and private sectors, to run Lebanon on their own.

3. (SBU) Of the several reform fronts on which the Siniora government has tried to move forward, electoral reform is arguably the one in which meaningful near-term results are most within reach. Early on, Siniora's cabinet identified electoral reform as a priority, stating in August 2005 that

it is "one of the important issues that should be treated without any delay." Success in delivering electoral reform will give a boost to the Siniora government's efforts on other fronts, such as its economic reform program. Alternatively, failure will cut into its ability and credibility to deliver reform anywhere else. Electoral reform is therefore a leading indicator of the overall prospects of reform in Lebanon.

¶4. (SBU) Siniora's cabinet declared in August 2005 that the goal of electoral reform is "to establish parliamentary democracy." This involves "achiev(ing) as much fair representation and equality between candidates and voters as possible, and... provid(ing) the necessary conditions for a free electoral competition and impartiality required for the administration of the electoral process by competent authorities." Siniora's cabinet also noted that electoral reform makes possible the creation of modern, non-sectarian political parties, which parliamentary democracy arguably requires, and which Lebanon, with few exceptions, has historically lacked. U.S. support for Lebanon's electoral reform process is therefore entirely consistent with the goals of President Bush's Freedom Agenda in the Middle East.

#### HOW ELECTORAL REFORM GOT STARTED

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¶5. (SBU) A widespread demand for something better than the electoral law currently in effect provided the impetus behind today's reform process. The existing law, which dates back to the year 2000, is widely (but not fondly) known as the "Ghazi Kena'an law," referring to the chief of Syrian military intelligence in Lebanon at the time, under whose auspices it was drawn up. Its purpose was to ensure that political players friendly to Damascus dominated the Parliament.

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¶6. (SBU) When Syrian President Bashar al-Asad's regime overreached in Lebanon by orchestrating the extension of President Emile Lahoud's term in office in 2004, two of its primary allies, Rafiq Hariri and Walid Jumblatt, turned against it. After Hariri's assassination in February 2005, members of his parliamentary bloc, along with Jumblatt's, played key roles in the subsequent "independence intifadah." Demonstrations against Syrian interference in Lebanon culminated in a massive one in Beirut on March 14, 2005. The withdrawal of Syrian military forces and overt intelligence personnel took place in April.

¶7. (SBU) While they were no longer the SARG's allies, both the Hariri and Jumblatt parliamentary blocs found a common interest with Syria's two most important remaining allies on the political scene, Hizballah and the Amal Movement, in retaining the electoral law of 2000. After winning the argument to keep the law in effect for the parliamentary elections of May and June of 2005, what became known as the "March 14 forces," led by Hariri's son Sa'ad along with Jumblatt, won a 72-member majority (since reduced to 71 seats by death of an incumbent).

¶8. (SBU) The law of 2000 was widely resented, however, particularly among Christians. Many of them rallied around Michel Aoun in protest against the unlikely "Quadripartite Alliance" formed by "March 14," Hizballah, and Amal to keep the law of 2000 in effect. Prime Minister Fouad Siniora, who took office in the summer of 2005 with the backing of the "March 14" parliamentary majority, responded to public opinion by taking the unprecedented step of establishing a blue-ribbon commission to draft a better electoral law. He appointed senior statesman Fouad Boutros to head the commission, made up of respected lawyers and academics, three of whom were founding members of the primary civil society organization lobbying for electoral reform.

¶9. (SBU) After a systematic effort to maximize civil society input -- also unprecedented -- the commission went behind closed doors to hammer out a new draft law. While it experienced delays, setbacks, and even the temporary resignations of two of its members, the commission eventually reached consensus on a draft law by the end of May. Its members handed over the draft to Prime Minister Siniora on June 1, moving the electoral reform process from "Phase I" (deliberation and drafting within the commission) to "Phase II" (submission of the commission's draft for approval by the cabinet, then by Parliament).

#### WHY ELECTORAL REFORM IS HARD

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¶10. (SBU) This draft, which appears to include many important, reform-oriented provisions, is still far from being enacted into law. For that to happen, it needs to emerge unscathed from the cabinet, and, following that, from Parliament. While there is a good chance it will get cabinet approval without major tinkering -- electoral reform, after all, has been Siniora's initiative -- Parliament will be another story. There, debate over the draft law will take place among 128 people, all of whom were elected under the electoral law of 2000. Not surprisingly, they are unlikely to be intent on changing the status quo. The danger of the law literally getting locked in the desk drawer of the Speaker of Parliament -- he has the authority to do it -- is real.

¶11. (SBU) Alternatively, there is a danger of the draft law getting hijacked by political actors for whom reform is the vehicle, not the destination. One's attention turns to the array of Syrian allies -- former Prime Minister Omar Karami; anti-Jumblatt "rogue Druze" politician Wi'am Wahhab; the baron of the Maronite stronghold of Zghorta, Suleiman Franjeh; even the Syrian regime's loquacious former implant in Rafiq Hariri's bloc, Nasser Qandil -- who have opportunistically aligned themselves with Michel Aoun in the aftermath of last year's Syrian military withdrawal. In the hope of terminating what they call the Hariri-Jumblatt "counterfeit majority" in Parliament, this cast of characters is pressing for parliamentary elections now, rather than 2009 (when they would normally take place).

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¶12. (C) The pro-Syrians are energetically marketing the argument that, because the electoral law of 2000 was so badly flawed, the results of the 2005 parliamentary elections are unacceptable; new elections must be held under a new law as soon as possible. They are betting that concessions offered to the Christian community -- which by and large despised the 2000 law -- on districting, plus a change in the political atmosphere caused by a Syrian resurgence in Lebanon and in the region, would be enough to sweep them to victory. Aoun -- intent on seeing a new Parliament, one willing to elect him President of the Republic -- would surely go along with this, as would Hizballah and Amal. President Lahoud would clap and mince-step with delight in the background.

¶13. (C) Dependably lacking any sense of shame, the pro-Syrians will denounce the electoral law of 2000 as a travesty, a particularly corrupt example of gerrymandering, and a subversion of the will of the Lebanese people. They will then blame it on Hariri, Jumblatt, and their Christian allies. (Needless to say, they will not mention Ghazi Kena'an or their own votes in 2000 in favor of the law.) To make the case for redeeming the results of 2005 through new, presumably fairer elections, all they need is a new electoral law. Any new electoral law will do.

¶14. (C) The pro-Syrians' need for instant elections would rule out genuine reform measures that could take months, possibly even years, to fully implement. An example is the establishment of an independent commission, one with staff,

resources, and teeth, to supervise elections instead of the interior minister (who in all likelihood is someone running for parliamentary office himself). The probable result, if the pro-Syrians have their way, would be an emasculated electoral law, one devoted almost exclusively to the number and boundaries of electoral districts, leaving more substantive reforms for another day.

¶15. (C) This leads to the issue of how electoral reform plays in Lebanon's Christian community (which, in the absence of census figures, we estimate to be at least one-third of the population -- although the new law preserves the current 50-50 split in parliamentary seats assigned to Christians and Muslims). United by a feeling that the law of the year 2000 effectively disenfranchised them, many Christians have zeroed in on districting as the make-or-break issue of electoral reform. The main problem with the existing electoral law, many of them believe, is that it deprives them of effective political representation by leaving most Christian MPs elected by Muslim majorities. To be successful, Christian politicians have to hitch their wagon to the star of non-Christian "za'eem" (communal leader) -- Hariri, Jumblatt, Berri, even Nasrallah -- leaving the Christian community without a "za'eem" of its own. (Aoun's Christian supporters feel he meets that job description).

¶16. (C) The danger is that debate in the Christian community over the national commission's draft law will quickly narrow down to a question of how many Christian MPs are elected in majority-Christian districts. In that case, the draft law as written will die in the cradle. Most of its reform-oriented provisions -- which are arguably more important in the long run than districting -- would be lost.

#### HOW WE CAN HELP THROUGH DIPLOMACY

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¶17. (C) President Bush's Freedom Agenda requires that we do whatever we can to keep the electoral reform process on track. On the diplomatic side, we need a strategy for creating an enabling environment for reform. This strategy would provide an umbrella under which civil society organizations can lobby for reform, using some funding and technical assistance from us. (For more on this, see the discussion of a programmatic strategy, below.)

¶18. (C) A premise of our diplomatic strategy must be that, while the UN can play a helpful role for electoral reform in a number of ways, we cannot expect it to take the lead. We are already seeing plenty of reasons why. The three stakeholders in Lebanese electoral reform within the UN organization -- the Secretary-General's Personal Representative, the New York-based Electoral Assistance

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Division (EAD), and the Lebanon mission of the UN Development Program (UNDP) -- have worked out a careful division of labor among themselves, but competing missions and interests may leave it working better on paper than in real life.

¶19. (C) Emblematic of the UN approach here is the UNDP permanent representative's invitation of chiefs of foreign diplomatic missions to a meeting to discuss support for electoral reform in "Phase II" of the electoral reform process. The meeting, however, is not until June 21, weeks after "Phase II" has begun with the presentation of the draft law to the prime minister. EAD is, the last we heard, still searching for a candidate to serve as their Beirut-based chief technical representative. In any event, we understand from EAD that the UN will maintain a low profile during "Phase II," seeing it as an internal Lebanese process in which they -- and we -- should not appear to be interfering.

¶20. (C) This concern about perceived interference is reasonable enough, but the fact is that there is an ongoing resurgence of Syrian-Iranian influence in Lebanon that

jeopardizes reform on all fronts. We have a stake in the success of reform, electoral reform included, and can potentially use our influence here in ways that can advance it without making life difficult for reformers, by exposing them to accusations of foreign influence.

¶21. (C) A diplomatic strategy can support the electoral reform process by encouraging a wide range of political actors to take the commission's draft seriously. We must dissuade them from making the perfect the enemy of the good. The commission's draft law may not be perfect from anyone's perspective, but too much tinkering could cause the whole electoral reform project to unravel.

¶22. (C) We may need to push particularly hard with the "March 14" coalition, with whom we have normally agreed on virtually all of the pressing issues related to Lebanese sovereignty and reform. As described above, the existing electoral law served Sa'ad Hariri and Jumblatt (if not their Christian allies) well in 2005, and they do not want to strengthen their adversaries' case for early elections. We need to emphasize to them that it is imperative that they back up Prime Minister Siniora -- who is, after all, a "March 14" prime minister -- and his reform agenda. (Ironically, Speaker of Parliament Berri, who has been unhelpful on both sovereignty and reform over the past year, reportedly may favor the draft law, seeing it as an opening to give his Amal Movement greater latitude vis-a-vis Hizballah.)

¶23. (C) With Siniora's government, we should continue to convey the message, bilaterally and via the Core Group, that political reform is as important as economic reform. The Siniora government's ability to deliver genuine electoral reform will build its credibility with the Core Group and strengthen its case for international assistance for an economic reform package.

¶24. (C) If the draft law becomes a lightning rod for confessional grievances, its days will be numbered. We therefore may need to conduct quiet advocacy for the commission's work with Christian opinion leaders, the Maronite Patriarch most prominent among them. (In a recent meeting with the Patriarch, the Ambassador has already started to work on this.) In order to explain why the Christian community has a stake in genuine electoral reform (as opposed to simple redistricting), we need to be well versed in the details of the draft. For this, IFES's continued analytical work will be essential (see below), as will be our close working relationship with key commission members.

¶25. (C) Regarding the Christian community, our public diplomacy will need to be ready for intensive counter-disinformation efforts. The pro-Syrians will probably attempt to play on existential Christian fears, portraying U.S. support for electoral reform as the latest example of the United States undermining the Christian community, forcing it to submit to second-class citizenship under Muslim-majority rule. We can anticipate, for example, a revival of the oldie-but-a-goodie urban legend that the USG quite literally tried to sell Lebanon's Christians down the

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river in 1976, allegedly offering to evacuate them en masse by boat.

¶26. (C) We do not detect that other foreign missions are giving a very high priority to supporting the electoral reform process, at least not at this stage. However, to maximize international support as well as avoid duplication of effort, we need to coordinate with other Core Group missions. Besides the UN, the European Union may be most capable of complementing our efforts on the programmatic as well as diplomatic fronts (see below).

¶27. (C) While conducting all of the above diplomatic



activities, we need to maintain as low a profile as possible.

Our public diplomacy should emphasize that we support the Lebanese government and people as they come up with genuinely "made in Lebanon" reforms, including in the electoral field. Civil society organizations pushing for electoral reform are aware of our support for their efforts and are glad for it, but they do not want to be exposed to accusations of being "foreign agents." This is of particular importance in the Shi'a community, which is, as usual, fertile ground for accusations of U.S. interference.

#### HOW WE CAN HELP THROUGH ASSISTANCE PROGRAMS

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¶28. (C) While our diplomatic activities work to create a positive environment for electoral reform, our assistance programs will support civil society activists as they build constituencies for electoral reform. Ultimately, the sort of bottom-up pressure these efforts generate is the only way to give members of Parliament an incentive for changing the status quo. Post will continue to work with a host of Lebanese and international NGOs providing critical support for the electoral reform process.

¶29. (SBU) The primary actors in a growing consortium of pro-electoral reform civil society organizations are:

- the Lebanese Association for Democratic Elections (LADE);
- the Lebanese Center for Policy Studies (LCPS);
- the Lebanese Transparency Association (LTA);
- Statistics Lebanon, Ltd.; and
- three U.S.-based NGOs: the National Democratic Institute for International Affairs (NDI), IFES, and the International Republican Institute (IRI).

¶30. (SBU) Since the formation of the national commission charged with rewriting the electoral law in August 2005, all of these organizations except for LADE have received USG funding to support the electoral reform process. LTA (with LCPS as a sub-grantee) and Statistics Lebanon have received MEPI funding for public awareness campaigns and opinion polling, respectively. The Lebanon programs of NDI, IFES, and IRI are funded by the DRL Bureau.

¶31. (SBU) Now that the electoral reform process has entered "Phase II," the direct involvement of our civil society partners is more important than ever. Continued, uninterrupted USG support for these organizations will be critical for the success of electoral reform in Lebanon. With this in mind, we recommend the following programmatic strategy:

- Extend the MEPI grant for LTA.
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¶32. (SBU) LTA and its sub-grantee, LCPS, are arguably the two civil society organizations with the best administrative and intellectual resources for a public awareness campaign on electoral reform. We would recommend that the MEPI grant they received for this purpose be extended for a period of six months to one year, so that they can continue to build constituencies for reform. The statement of work for the grant extension should include development of a simple curriculum to explain the draft law and important electoral principals to Lebanese voters, town hall meetings in local

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communities across Lebanon to explain the draft proposal, an advocacy campaign to encourage parliamentary support for the draft law and electoral reform, and (in coordination with NDI and other members of the civil society consortium) design and implementation of a mass media campaign.

-- Extend DRL Bureau funding for IFES.

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¶33. (SBU) IFES, along with NDI (see below) is an essential NGO partner in our programmatic strategy to promote electoral reform in Lebanon. IFES has provided valuable research services to members of the national electoral law reform commission during the drafting phase of the electoral reform program, and their work had a direct, positive impact on the commission's final product. For example, "what IFES did on out-of-country voting," one commission member told us recently, "was ten times better than what EAD tried to do."

¶34. (SBU) As we enter the next, critical phase of the electoral reform process, we would recommend additional DRL funding for IFES to expand its activities. Its global expertise and analysis capabilities can help educate policy-makers and opinion leaders on the options they face as they deliberate over the commission's final draft. One electoral reform commission member told us recently that IFES and NDI, as non-Lebanese organizations, are well positioned to serve as disinterested "referees" in a public debate over the draft law.

-- Extend DRL Bureau funding for NDI.

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¶35. (SBU) NDI's electoral activities to date have included focus groups, technical assistance to political parties, and coordination among other Lebanese and international NGO partners engaged in electoral reform. Perhaps most important, however, has been NDI's work in developing a strategic media campaign aimed at building public support for electoral reform. Working with civil society activists and media experts, NDI can help ensure that a media campaign, which will take place during "Phase II," has sufficient reach and depth.

¶36. (SBU) Note: Post understands that USAID funding is not available for use in continuing the IFES and NDI programs into "Phase II." Therefore, we strongly recommend that DRL, which had the strategic vision to fund and implement IFES and NDI programs in "Phase I," is the best source for additional funding to continue this important work. As for IRI, it started its DRL-funded electoral assistance program in Beirut in May 2006. At the time of this writing, we understand it has sufficient funding to see it through "Phase II." End note.

-- Extend the MEPI grant for public opinion polling.

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¶37. (SBU) We would also recommend using MEPI funds to extend the existing grant to Statistics Lebanon, Ltd., through FY 2007. Originally funded as a MEPI small grant in FY 2005, this program has arguably established itself as our most cost-effective, highest-impact MEPI grant. Additional polling efforts could focus on topics in reform, especially the crucial electoral reform efforts of the next several months.  
FELTMAN